

reason that it purported to be a foreign product when not so, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 22, 1922, Benjamin Mayer, New York, N. Y., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department, in part, as follows: "Corn Oil (Made in America) Contents: 3 qts., 1 pt., 12 ozs. Distributed by B. Mayer New York."

C. F. MARVIN, *Acting Secretary of Agriculture.*

11049. Misbranding of Eckman's alterative. U. S. v. 150 Dozen and 120 Dozen Bottles of Eckman's Alterative. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16733. S. No. C-3761.)

On August 9, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 dozen large-sized bottles and 120 dozen small-sized bottles of Eckman's alterative, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Burrows-Little-White Co., Philadelphia, Pa., April 14, 1922, and transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 3.3 per cent of calcium chlorid, 2.3 per cent of plant extracts, and 94.4 per cent of water, flavored with clove oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the label of each of the bottles containing the said article, regarding its curative or therapeutic effect, to wit, "Eckman's Alterative For use in the following Throat and Lung Affections. Bronchial Asthma, Catarrhal Bronchitis and Pulmonary Troubles Stubborn Coughs and Colds," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was effective as a remedy for bronchial asthma, catarrhal bronchitis and pulmonary troubles, and stubborn coughs and colds, whereas, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On October 4, 1922, the Burrows-Little-White Co., Philadelphia, Pa., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision and to the satisfaction of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11050. Misbranding of Krause's phosphorets. U. S. v. 1 Dozen Packages of Krause's Phosphorets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13731. I. S. No. 10371-t. S. No. W-757.)

On September 27, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 dozen packages of Krause's phosphorets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., in part June 26, 1919, and in part August 28, 1919, and transported from the State of Indiana into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained iron carbonate, asafetida, and a trace of phosphorus, coated with sugar, calcium carbonate, and talc, colored yellow.

Mishbranding of the article was alleged in substance in the libel for the reason that the carton containing the said article and the accompanying circular bore the following statements, (carton) "Nervous Debility * * * Neurasthenia * * * Exhausted Nerve Force," (circular) "* * * will cure all diseases arising from a shattered condition of the nervous system, or the exhaustion of the vital energies of the brain from overwork, worry, dissipation, excesses or overindulgence of any kind * * * successful in the treatment of nervous debility, dizziness, despondency, paralysis, neurasthenia, * * * ringing noises in the head, lack of energy or ambition, * * * muscular weakness, shortness of breath * * * pain in the back, loss of memory, indecision, sciatica, early decay, rheumatism, hysteria, wasting diseases, * * * restore the blood to its normal condition, throw off the impurities and overcome diseases infesting the system. * * * For Men * * * They will * * * cure * * * spermatorrhea * * * drains of the prostatic fluid * * *," which said statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*